

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-20 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

It is respectfully requested that the present amendment should be entered into the official file in view of the fact that the amendment to the claims automatically places the application in condition for allowance. Alternatively, if the Examiner does not agree that this application is in condition for allowance it is respectfully requested that the present amendment should be entered for the purposes of appeal. The purpose of the amendment is to add support to the claims for arguments which have previously been presented. Accordingly, no new arguments are being added by way of this amendment.

Rejection Under 35 U.S.C. §103

Claims 1-19 stand rejected under 35 U.S.C. §103 as being obvious over Ji et al. (US Patent 6,392,872) in view of Kandasamy et al. (US Patent 5,513,314). This rejection is respectfully traversed.

First, it is assumed that the Examiner's statement of the rejection was meant to include claim 20 as well as claim 1-19 since claim 20 is included in the discussion of the references, no other rejections are present, and claim 20 is also included on the summary page as being rejected.

In response to Applicant's arguments, the Examiner has asserted that the features upon which Applicant relies for arguments are not present in the rejected claims. In particular, the Examiner seems to be referring to the limitations of restoring a point that can be created prior to downloading an executable file and recovery being possible prior to the downloaded data arrival so that restoration occurs in minutes.

Claim 1 has now been amended to include additional features pointed out in these arguments. Thus, the claim now describes a creating module for creating a restore point. Also, detecting module determines whether an executable file is contained. The claim also points out that the restore point is created prior to downloading the predetermined data which includes the executable file. The claim also discusses that this system enables the restoration of the computer to a previous state which is prior to the downloaded predetermined data arrival. Accordingly, Applicant submits that the claims now include support for the arguments which were previously presented. Furthermore, Applicant submits that claim 1 as presently presented is not obvious over the combination

of Ji et al. and Kandasamy et al. Applicant submits that the claim is allowable based on the arguments presented in the previous response and especially that the references did not show the restore point created prior to downloading an executable file, and the configuration of the computer system to a point in time prior to the downloaded data arrival. Accordingly, Applicant submits that claim 1 is allowable.

Claims 8 and 15 are method claims that correspond to apparatus claim 1. The step of creating a restore point has also been added in these claims. Applicant submits that these claims are likewise allowable.

Claims 2-7, 9-14, and 16-20 depend from these allowable independent claims and as such are also considered to be allowable.

Conclusion

In view of the above remarks, it is believed that the claims distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection and allowance of all of the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview

in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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